

United States District Court

WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

v.

ANDRE CANADA

CRIMINAL COMPLAINT

CASE NUMBER: 06-M- 2122

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief.

On or about May 15, 2006, in Erie County, in the Western District of New York defendant knowingly and unlawfully did possess, in and affecting commerce, a firearm, after having been convicted of a crime punishable by imprisonment for a term exceeding one year

in violation of Title 18 United States Code, Section 922(g)(1). I further state that I am an Investigator with the New York State Police detailed to the Bureau of Alcohol, Tobacco, Firearms, and Explosives, and that this complaint is based on the following facts:

SEE ATTACHED AFFIDAVIT

Continued on the attached sheet and made a part hereof: ☒ Yes ☐ No

Stacy Stawicki

STACY STAWICKI
Signature of Complainant

Sworn to before me and subscribed in my presence,

Date 5/18/06 at Buffalo, New York
9:30 pm City and State

Name & Title of Judicial Officer
HON. HUGH B. SCOTT
United States Magistrate Judge

Hugh B. Scott
Signature of Judicial Officer

FILED
U.S. DISTRICT COURT
W. D. OF N.Y.
5/18/06

AT _____
BY _____
TITLE _____

AFFIDAVIT

STATE OF NEW YORK)

COUNTY OF ERIE)

CITY OF BUFFALO)

STACY STAWICKI, being duly sworn, deposes and says :

1. I am an Investigator with the New York State Police currently on assignment to the Bureau of Alcohol, Tobacco Firearms and Explosives (hereinafter ATF) and am presently assigned to the Buffalo, New York Field Office. I have been employed as a New York State Trooper for approximately nineteen (19) years. During my tenure, I have prepared and assisted in the execution of numerous search and arrest warrants for, and been involved in numerous criminal investigations of various violations of New York State narcotics and firearms laws.

2. I make this affidavit in support of a Criminal Complaint charging ANDRE CANADA, with violating Title 18,

United States Code, Section 922 (g)(1) (possession of a firearm after having been convicted of a crime punishable by imprisonment for a term exceeding one year). This information is based upon information and belief, the source of which is a review of Buffalo Police Department arrest reports and discussions with law enforcement officers.

3. On May 15, 2006, at approximately 7:42 PM, while in the vicinity of 200 Lafayette Avenue in the City of Buffalo, did display a sawed off shotgun at Michelle Rodriguez and Marianne Gorzynski. After pointing the firearm at Ms. Rodriguez and Ms. Gorzynski, the defendant walked down the street toward 192 Lafayette, where several children were on the porch, and continued to display the shotgun while shouting, "Who wants it next?"

4. When officers responded to the 911 call, they went to the defendant's home address at 200 Lafayette and informed him that there had been a complaint of a man waving a gun around and threatening people. The defendant responded,

"That was me" When the police asked the defendant where the gun was, the defendant took the police upstairs to a bathroom and told them that the weapon was in the closet on the top shelf. The weapon was located exactly where the defendant said it was.

5. A review of ANDRE CANADA's computerized criminal history reveals that he was previously convicted on October 29, 1993, in Erie County Court, in the State of New York, of Attempted Criminal Possession of a Loaded Firearm Third Degree, a crime punishable by imprisonment for a term exceeding one year.


6. On May 18, 2006, your affiant provided a description of the firearm recovered from ANDRE CANADA on May 15, 2006, to ATF Interstate Nexus Agent Frank Christiano to determine the location of manufacture of the firearm. ATF Interstate Nexus Agent Christiano informed your affiant that the firearm, one Stevens/Savage, Model 22-410, .22-410 caliber, combination firearm was

manufactured in the State of Massachusetts. Thus this firearm has traveled in and affected interstate commerce.

WHEREFORE, probable cause exists to believe that the defendant, ANDRE CANADA, violated Title 18, United States Code, Section 922 (g) (1), by possessing a firearm after having been convicted of a crime punishable by imprisonment for a term exceeding one year.


STACY STAWICKI

Sworn to and subscribed before me on
this 18th day of May, 2006.


HON. HUGH B. SCOTT
United States Magistrate Judge